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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,797	08/30/2001	Maria Azua Himmel	AUS920010453US1	9728

7590

05/17/2005

Duke W. Yee
Carstens, Yee & Cahoo, LLP
P.O. Box 802334
Dallas, TX 75380

EXAMINER

BARNIE, REXFORD N

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/942,797	HIMMEL ET AL.	
	Examiner	Art Unit	
	REXFORD N. BARNIE	2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 17 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Renford Barnie
REXFORD BARNIE
PRIMARY EXAMINER

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1- 5 and 13-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Hamilton (US 2002/0176377).

Regarding claims 1 and 13, Hamilton teaches a service platform on wireless network in (see section {0195-0196} of page 13) wherein a user wireless airtime charges can be sponsored fully by another party based on policies which could include location data.

Regarding claims 2 and 14, All charges would be sponsored according to (see section 0196) and a user need not worry.

Regarding claims 3 and 15, All charges would be sponsored according to (see section 0196) and a user need not worry.

Regarding claims 4 and 16, According to (see section 0196 lines 8-10), the user can be notified of the fact that a call is sponsored.

Regarding claims 5 and 17, Hamilton teaches that user location can be a factor or policy decision used in deciding whether a call is to be sponsored.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 6, 13, 18 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nightingale et al. (US Pat# 6,546,238).

Regarding claims 1 and 13, Nightingale teaches a calling party pays wherein a calling party who makes a call to a wireless terminal either in a home area or visiting area can be charged for charges incurred for answering the call. Thus, a determination is made as to where a wireless terminal is in a home or visiting area and whether the called party subscribes to CPP (calling party pays) and then responsive to the location of the user and CPP criteria, charging the calling party for all charges incurred in (see col. 12 and disclosure).

Even though, Nightingale teaches call rating mechanism which rates calls, he fails to teach billing for roaming charges.

It's notoriously well known to bill subscribers for roaming charges when they're in a visiting area for usage of network services.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to bill the caller for all charges incurred by the wireless terminal in order to encourage called parties to answer their incoming calls

Regarding claims 6 and 18, the explanation as set forth determines whether a called party is within a visiting area and thus can charge the calling party for all charges incurred including roaming charges

Regarding claim 25, see the explanation as set forth regarding claims 1 and 13.

Claims 7-12, 19-24 and 31-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamilton et al. (US 2002/0176377) in view of Malackowski et al. (US 2003/0027555).

Regarding claim 8, 20 and 32, Hamilton fails to teach being able to revert charges to a party based on certain parameters.

Malackowski teaches a system and method of providing information to a subscriber through a wireless device wherein charges can revert back to a user based on certain parameters in (see section 0119 of page 7). Furthermore, if a user is roaming, they can be held responsible for charges and not treated as a local call.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Malackowski into that of Hamilton thus making it possible to lower expenses incurred by a third party, if a user decides to continue using one's telephone and not to stick to the parameters under which the third party pay for the phone charges.

Regarding claims 9-12, 21-24 and 33-36, Hamilton fails to teach the claimed subject matter but Malackowski teaches a system and method of providing information to a subscriber through a wireless device wherein location of a user can be determined

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using position location techniques in (see 0058 of page 3, 0066 of page 4). Also, location-using triangulation is notoriously well known in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Malackowski into that of Hamilton thus making it possible to sponsor services to users based on their location.

Regarding claims 7, 19 and 31, The combination overall teach determining location of a user and the making decisions including whether a call is to be sponsored.

Claims 25-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamilton (US 2002/0176377).

Regarding claim 25, Hamilton teaches a service platform on wireless network in (see section {0195-0196} of page 13) wherein a user wireless airtime charges can be sponsored fully by another party based on policies which could include location data.

Hamilton fails to teach a computer system with a memory, processor and a bus.

However, the examiner takes official notice that it's well known in the art to implement telecommunication services or billing functionalities in a computer apparatus.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the teaching of Hamilton into any computer apparatus to provide efficiency and to implement functionalities automatically.

Regarding claims 26-30, All charges would be sponsored according to (see section 0196) and a user need not worry.

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All charges would be sponsored according to (see section 0196) and a user need not worry.

According to (see section 0196 lines 8-10), the user can be notified of the fact that a call is sponsored.

Hamilton teaches that user location can be a factor or policy decision used in deciding whether a call is to be sponsored.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **REXFORD N BARNIE** whose telephone number is 571-272-7492. The examiner can normally be reached on M-F 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CURTIS KUNTZ can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PRIMARY EXAMINER
REXFORD BARNIE
05/12/05


REXFORD BARNIE
PRIMARY EXAMINER